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September 7, 2022

VIA ECF

Hon. Sanket J. Bulsara
United States District Court
Eastern District of New York
225 Cadman Plaza East
Chambers 304N, Courtroom 324N
Brooklyn, New York 11201
September 7, 2022

Re: *Elliott v. Donegan, et al.*, 1:18-civ-05680-LDH-SJB

Dear Magistrate Judge Bulsara,

We represent Plaintiff Stephen Elliott and submit this letter in accordance with Your Honor's Individual Practice Rule II.A to respectfully request an adjournment of the upcoming September 15, 2022 Settlement Conference (July 3, 2022 Docket Entry) by approximately three – four weeks, as well as an extension of the fact discovery deadlines for the same period of time, as detailed below. Plaintiff's counsel has conferred with counsel for Defendant Moira Donegan, and Ms. Donegan's counsel consents to the instant request. This is the first request for both an adjournment of the Settlement Conference and an extension of the fact discovery deadlines.

The undersigned counsel has recently been responsible for caring for immediate family members in critical condition, as well as related child-care issues that have arisen as a result. While the parties' counsel have been in frequent communication throughout the pendency of the litigation, and have indeed commenced fact discovery, this summer has been particularly trying for Plaintiff's counsel.

Although the Settlement Conference is currently scheduled for September 15, 2022, before Your Honor, for the reasons discussed above, Plaintiff's counsel has not submitted a written itemization of damages and settlement demand to Defendant's counsel, as is called for by Your Honor's Settlement Conference Procedures. A short adjournment to provide for the pre-

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conference exchanges called for in Your Honor's procedures would likely yield a more productive Settlement Conference and a more efficient use of this Honorable Court's valuable resources. If the Court is willing to adjourn the settlement conference, the parties are available to appear in-person as directed by the Court on either October 7, 2022; October 13, 2022; October 14, 2022; or, if a later date is preferred, October 27, 2022. If these dates are not acceptable to the Court, the parties can provide additional dates upon Your Honor's request.

With regard to the request for an extension of fact discovery, the current discovery deadlines are as follows: the deadline for substantial completion of all document discovery is October 14, 2022; the deadline for parties to serve final written discovery requests is November 16, 2022; and the deadline to complete fact discovery is December 16, 2022. (Apr. 16, 2022 Docket Entry.) Plaintiff respectfully requests that the fact discovery deadlines be extended by the same amount of time as the adjournment of the settlement conference. In addition to the reasons discussed above, requiring a substantial completion of all document discovery by October 14, 2022, or around the same time as (or even perhaps in advance of) the requested rescheduled settlement conference, would eliminate one of the key incentives for the parties to settle this case. Assuming that the settlement conference can be rescheduled within the next few weeks, the current expert discovery deadlines, deadline to complete all discovery (currently April 14, 2023), and status conference before Your Honor, currently scheduled for November 10, 2023, at 10:30 a.m., could remain unchanged. (See Apr. 16, 2022 Docket Entry.) Plaintiff, again, makes the instant request upon consent of counsel for Ms. Donegan.

Should Your Honor wish to discuss the proposed extension requests, or the reasons for same, the parties shall make themselves available for a conference call with Your Honor at the Court's convenience. We thank Your Honor for the Court's courtesy and consideration.

Very truly yours,
NESENOFF & MILTENBERG, LLP

By: /s/ *Nicholas Lewis*

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